IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 7801 of 2007(D)

PETITIONER:

E.VINOD KUMAR, S/O. JANARDHANAN NAIR,
LAKSHMI NIVAS, NEAR COMMUNITY HEALTH CENTRE,
P.O.NILESHWAR, PEROLE, KASARAGOD DISTRICT.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

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1. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

2. THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION, KASARAGOD.

3. THE MANAGER,
UNITED INDIA INSURNCE CO. LTD., KANHANGAD,
KASARAGOD.

4. M/S. SOBHA TEXTILES,
REPRESENTED BY ITS MANAGING PARTNER,
SRI. K.ABDULLA, KANHANGAD, KASARAGOD DISTRICT.

5. SRI. U.V.ABDUL RAHIMAN,
S/O. K.P.KUNHABDULLA, PATLAM, PARAPPA P.O.,
ANANDEWHARAM VIA., KASARAGOD DISTRICT.

BY GOVERNMENT PLEADER SRI.S.U.NAZER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC NO.7801 OF 2007

PETITIONER'S EXHIBITS:

EXT.P1:- TRUE COPY OF NEWS ITEM APPEARED IN THE LATEST DAILY DT.18.6.2005.

EXT.P2:- TRUE COPY OF PETITION SUBMITTED BY THE PETITIONER.

[TRUE COPY]

R.BASANT, J.

W.P.C.No.7801 of 2007

Dated this the 21st day of March 2007

JUDGMENT

The petitioner is a stranger and claims to be a dutiful citizen. He has come to this court to complain to this court that his complaint Ext.P2 submitted to the Director General of Police has not been duly taken note of and no action has been taken in pursuance of the same.

2. Ext.P2 relates to an instance of fire in Sobha Textiles, Kanhangad. According to the petitioner, it was a case of fire brought out by the persons concerned to justify the staking of a false claim before the insurance company. Public money was attempted to be frittered away and therefore the petitioner wants a proper investigation to be conducted into that instance of fire. As his complaint Ext.P2 did not yield any tangible result, he has come to this court for directions under Section 482 Cr.P.C and Article 226 of the Constitution.

3. Notice was given and the learned Public Prosecutor has entered appearance for respondents 1 and 2. No notice was ordered to other three respondents.

4. The learned Public Prosecutor, after taking instructions, submits that a crime has been registered as crime No.370 of 2005 of Hosdurg police station under the caption “fire occurrence”. Investigation is in progress. The learned Public Prosecutor submits that considering the nature and significance of the case, the Director General of Police has already directed that Circle Inspector of Police, Hosdurg must conduct the investigation and the investigation is being conducted by him now. The learned Public Prosecutor again submits that the investigating officer, in the course of investigation, has also perceived the possibility of the fire not being accidental and that aspect is receiving the attention of the investigator. No separate crime can or need be registered on the basis of Ext.P2 as a crime has already been registered and the specific aspect pointed out by the petitioner in Ext.P2 is receiving the attention of the investigating officer. The expert of the third respondent/United India Insurance Company has also conducted an investigation and there are conflicting views about the nature of the cause of fire. The investigating officer is applying his mind to all the relevant circumstances. Expert opinion has also been sought.

The needful shall be done and the petitioner need not apprehend that this aspect of the matter will not receive careful and cautious attention of the investigator, submits the learned Public Prosecutor.

5. I am, in these circumstances, satisfied that no further directions need be issued. I expect the investigating officer to conduct a thorough and efficient investigation. It can also be observed that the result of the investigation shall be communicated to the petitioner by the investigator. Needless to say, the petitioner shall be at liberty to place such material he has in his possession before the investigator.

This writ petition is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006